

MINUTES OF ARKANSAS STATE POLICE COMMISSION MEETING
FEBRUARY 27, 2004

The Arkansas State Police Commission met on Friday, February 27, 2004, at the Arkansas State Police Administrative Headquarters, #1 State Police Plaza Drive, Little Rock, Arkansas.

The meeting was called to order by Commission Chairman Jerry Davis at 1:45 p.m.

MEMBERS PRESENT:

Commissioner Jerry W. Davis, Chairman
Commissioner Steve Smith, Vice Chairman
Commissioner Roger Meek, Jr., Secretary
Commissioner Woody Futrell
Commissioner Warren Dupwe
Commissioner Charisse Childers

MEMBERS ABSENT:

Commissioner Wynona Bryant-Williams

STATE POLICE PERSONNEL ATTENDING:

Colonel Don Melton	Lt. Colonel Steve Dozier
Major Wayne Eddy	Major J. R. Howard
Captain Mike Fletcher	Captain Mike Coy
Captain Les Braunns	Captain Tim K’Nuckles
Captain Nate Jackson	Lt. Lloyd Franklin
Lt. Henry LaMar	Sergeant Mickey Simmons
Sergeant Morstine Willoughby	Sergeant Benny Cox
Cpl. Steve Shults	Cpl. Mark Gregory
Cpl. Phillip Glasgow	TFC Rodney Myers
Bill Sadler	Alice Eastwood
Diane Moore	Karen Priddy
Emma French	Mae Humphries
Pam Utley	Kaye Beall
Pat Patterson	

OTHERS PRESENT:

Ms. Alice Lightle, Asst. Attorney General
Amy Upshaw, Democrat Gazette
Rep. Marvin Childers
Jim Bray
Bill Hardin

OPENING PRAYER:

Major J. R. Howard opened the meeting with prayer.

NOTIFICATION OF MEDIA:

The media was notified of this meeting on February 17, 2004.

MINUTES:

Commissioner Dupwe moved to approve the minutes of the January 21, 2004 meeting.
Commissioner Meek seconded and the motion carried.

OLD BUSINESS:

Official Commendations:

Major J. R. Howard introduced Sergeant Mickey Simmons who provided the Commission details of the conduct for which Corporal Phillip J. Glasgow was nominated to receive an Official Commendation.

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Sergeant Simmons explained that the conduct of Corporal Phillip Glasgow began, on his day off, when he received a phone call from the Pike County Sheriff Department requesting assistance with a wanted felon who had barricaded himself in a small mobile home, turned on the propane inside the home and was threatening to kill anyone that came close. Corporal Glasgow coordinated efforts to evacuate neighbors, get fire and medical personnel on scene, set up a safe perimeter, and command post. Corporal Glasgow then put himself in danger by volunteering to go turn off the propane and electricity to the home. After over an hour of negotiations, Corporal Glasgow and other officers were able to approach the back of the home. Corporal Glasgow was able to establish a rapport with the subject and within several tense minutes, the subject surrendered. Corporal Glasgow showed extreme bravery and a cool demeanor that had a direct effect in resolving a crisis safely.

An Official Commendation was presented by Colonel Don Melton.

Major J. R. Howard introduced Sergeant Benny Cox who provided the Commission details of the conduct for which Corporal Steven D. Shults was nominated to receive an Official Commendation.

Sergeant Cox explained that the conduct of Corporal Steven Shults began with a missing person report in which a mentally challenged, diabetic female had walked away from the playground of the elementary school in Pocahontas, AR. Corporal Shults heard the report on the radio and responded to assist in the search. The female subject was reported to have been seen in the area. The sheriff's department, police department, fire department and other volunteers searched the area, but were unable to locate the subject. Corporal Shults decided to research the area using his night vision goggles and spot light. Corporal Shults observed a red object in the adjacent field; he walked down into the field to identify the red object as a red sock cap. The description given of the missing female included a red sock cap. He then contacted the fire department and requested assistance of the four wheelers at his location. Within 20 minutes after the four wheelers arrived, the female subject was found unharmed. Corporal Shults' diligence and keen observations proved to be essential in successfully locating the missing subject and possibly saving her life.

An Official Commendation was presented by Colonel Don Melton.

Major J. R. Howard introduced Captain Nate Jackson who provided the Commission details of the conduct for which Corporal Thomas Mark Gregory and Trooper First Class Rodney Myers were nominated to receive Official Commendations.

Captain Jackson explained that the conduct of Corporal Thomas Mark Gregory began with a traffic stop on U.S. Highway 49 of a vehicle occupied by two male subjects. During the traffic stop, Corporal Gregory noticed a black semi-automatic pistol lying in the floorboard in plain view. Corporal Gregory then arrested the driver, ran ACIC/NCIC record checks on the driver, and confirmed that he was a convicted felon. Upon further search of the vehicle, six more guns were discovered and four were confirmed to be stolen. It was later determined that the vehicle was stolen and the two subjects had committed numerous burglaries throughout the state. Corporal Gregory's attention to detail helped solve several burglaries.

An Official Commendation was presented by Colonel Don Melton.

Captain Jackson explained that the conduct of Trooper First Class Rodney Myers was not just one incident but several including over 1,000 pounds of marijuana and 206 pounds of cocaine seizures, 184 criminal arrests and 17 DWI/DUI arrests throughout 2003. TFC Myers arrested two subjects for possession of 97 blank resident alien cards, 167 blank

social security cards, and several other documents used in processing illegal documents. In addition to TFC Myers' regular duty assignments, he is also a member of the Arkansas State Police Honor Guard and a canine handler.

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An Official Commendation was presented by Colonel Don Melton.

Resolutions for the award of service weapons and shotgun purchases
Presented by Lt. Colonel Steve Dozier

R E S O L U T I O N

WHEREAS: Senior Corporal John E. West efficiently and effectively served the Arkansas State Police for a period of thirty-one years, eight months and thirty days;

WHEREAS: Senior Corporal John E. West retires from this department January 31, 2004;

WHEREAS: His departure creates a vacancy that will be most difficult to fill, which is recognized by each and every member of the Arkansas State Police Commission;

WHEREAS: Senior Corporal John E. West has made formal request that his service weapon be retired with him and remain in his possession;

BE IT THEREFORE RESOLVED: The Arkansas State Police Commission, in its regular meeting at Arkansas State Police Headquarters in Little Rock, Arkansas, on Friday, February 27, 2004, in accordance with Act 547 of 2003, awards him his Glock Model 21, .45 caliber service weapon, Serial Number DNF541US, as a token of their esteem and appreciation for service devoted to the Arkansas State Police.

R E S O L U T I O N

WHEREAS: Senior Corporal John E. West efficiently and effectively served the Arkansas State Police for a period of thirty-one years, eight months and thirty days;

WHEREAS: Senior Corporal John E. West retires from this department January 31, 2004.

WHEREAS: His departure creates a vacancy that will be most difficult to fill, which is recognized by each and every member of the Arkansas State Police Commission;

WHEREAS: Senior Corporal John E. West has made formal request that his shotgun be retired with him and remain in his possession;

BE IT THEREFORE RESOLVED: The Arkansas State Police Commission, in its regular meeting at Arkansas State Police Headquarters in Little Rock, Arkansas, on Friday, February 27, 2004, in accordance with Act 547 of 2003, determines the fair market value of the Remington 870 Wing Master Shotgun, Serial Number 1239093V, that Senior Corporal John E. West has carried be affixed at \$100.00, and that Senior Corporal John E. West be permitted to purchase the shotgun for his personal use.

Commissioner Dupwe moved that the foregoing motions be approved; Commissioner Futrell seconded and the motions carried.

R E S O L U T I O N

WHEREAS: Senior Corporal D. Max Young efficiently and effectively served the Arkansas State Police for a period of twenty-nine years, six months and twenty-eight days;

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WHEREAS: Senior Corporal D. Max Young retires from this department February 29, 2004;

WHEREAS: His departure creates a vacancy that will be most difficult to fill, which is recognized by each and every member of the Arkansas State Police Commission;

WHEREAS: Senior Corporal D. Max Young has made formal request that his service weapon be retired with him and remain in his possession;

BE IT THEREFORE RESOLVED: The Arkansas State Police Commission, in its regular meeting at Arkansas State Police Headquarters in Little Rock, Arkansas, on Friday, February 27, 2004, in accordance with Act 547 of 2003, awards him his Glock, .45 caliber service weapon, Serial Number DNF679, as a token of their esteem and appreciation for service devoted to the Arkansas State Police.

R E S O L U T I O N

WHEREAS: Senior Corporal D. Max Young efficiently and effectively served the Arkansas State Police for a period of twenty-nine years, six months and twenty-eight days;

WHEREAS: Senior Corporal D. Max Young retires from this department February 29, 2004;

WHEREAS: His departure creates a vacancy that will be most difficult to fill, which is recognized by each and every member of the Arkansas State Police Commission;

WHEREAS: Senior Corporal D. Max Young has made formal request that his shotgun be retired with him and remain in his possession;

BE IT THEREFORE RESOLVED: The Arkansas State Police Commission, in its regular meeting at Arkansas State Police Headquarters in Little Rock, Arkansas, on Friday, February 27, 2004, in accordance with Act 547 of 2003, determines the fair market value of the Remington Model 11-87 police 12-gauge shotgun, Serial Number PC530953, that Senior Corporal D. Max Young has carried be affixed at \$100.00 and that Senior Corporal D. Max Young is hereby permitted to purchase the shotgun for his personal use.

Commissioner Futrell moved that the foregoing motions be approved; Commissioner Smith seconded and the motions carried.

Policy Proposal for Communication Tower Leases – Presented by Ms. Alice Eastwood

Ms. Eastwood presented to the Commission a packet that included the procedures that are currently in use by Arkansas State Police on Communication Tower Site Leases, a copy of the technical information form that is used by Arkansas State Police and the final form is a list of the tower use rates per month.

Ms. Eastwood advised the Commission that ASP has been approached by a cellular communications provider requesting to use two of ASP's tower sites and wanted to know the Commission's thoughts on this issue. After discussion, Commissioner Dupwe moved that the Commission postpone this matter until the next Commission Meeting, so that

further research can be conducted before making a final decision. Commissioner Meek seconded and the motion carried.

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Commissioner Futrell asked Ms. Eastwood about the grants that Arkansas State Police have received and where the money goes. Ms. Eastwood advised that when we apply for a grant, it goes to the specific programs. Colonel Melton also advised that the grants are earmarked for specific programs. Commissioner Futrell wanted to know if there were any large purchases from grant monies that the Commission needed to know about. Colonel Melton advised that there were not any monies spent or grants applied for that the Commission was not advised. Commissioner Futrell asked that the Commission be advised of any new grants received by the Arkansas State Police.

Fiscal Report – Presented by Ms. Emma French

Ms. French presented an oral summary of the written report distributed to the Commission. Ms. French stated that the Act 1001 fees are down by 1.5 million dollars; however, there was an increase between December and January of \$25, 000.00. A budget cut of \$2.9 million dollars has been taken and the operating budget is now \$58 million dollars.

Highway Patrol Division Report – Presented by Major J. R. Howard

Major Howard presented an oral summary of the written report distributed to the Commission.

Criminal Investigation Division Report – Presented by Lt. Henry LaMar

Lieutenant LaMar presented an oral summary of the written report distributed to the Commission.

Crimes Against Children Division – Civilian Investigators – Presented by Pam Utley

Pam Utley presented an oral summary of the written report distributed to the Commission.

Headquarters and Support Operations Division – Presented by Major Wayne Eddy

Major Eddy gave an update of the completion of recruit school. Major Eddy also reported on the process for the next recruit school. He advised that they will be striving for early May as the beginning of the next recruit school and hope to have at least 50 new recruits.

Major Eddy distributed a handout to the Commission of the breakdown of Commissioned Personnel for the beginning of the fiscal years of 1994, 1998, 2001, 2003 and January 2004 as requested by Commissioner Futrell at the January meeting. Major Eddy also advised that the last time Sergeants were promoted was in March of 2001 and a Lieutenant was promoted in CID in September of 2000. Major Eddy advised that the performance evaluation cycle ends on February 29 and that Major Howard has requested that all performance evaluations be in by March 12, 2004 and then the information can be tallied and presented to the Performance Evaluation Review Board and to Doctor Mike Buckley for review. If we get a good review on the figures, then Landy Jacobs will incorporate those numbers into the promotional set of numbers and we will get a composite number to work with for the promotional system. Commissioner Futrell asked that if the performance evaluation figures are not satisfactory, would there be a waiting period before it can be completed again. Major Eddy stated that the performance evaluation system is an ongoing process and the figures would be sent back to the review

committee and Dr. Buckley. Major Eddy stated that they are very encouraged with the process.

Commissioner Meek asked if the 395 number for the Corporal/Troopers for January 2004 included the new recruits and Major Eddy advised that those 19 are inclusive in that figure.

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Major Eddy pointed out that on the Health Plan report under the receipt columns for active employees and Act 1500 there are a couple of zero figures, because they were late coming in, but the money has now been received and transferred into the system. The active employees should be reflected as \$369,936.00 and the Act 1500 equals \$224,404.00 for a Grand Total of \$5,826,007.00 for an ending balance and these figures will be reflected in next month's report.

Chairman Davis asked Major Eddy his opinion concerning the stability of the ASP Health Plan. Major Eddy advised that last year with the changing of TPA, the claims were not reflected as actual. Claims will normally go up in December and January, because people will put off expensive procedures until then. Major Eddy advised that Greg Hatcher would keep up with these changes in claims amounts and will give updated reports and give advice on what needs to be done.

Chairman Davis expressed that the Division reports are very time consuming and for the Commissions' gratification and if there is anything that the Commissioners would like to see added to these reports or any changes that they would like to have made, to send the request to Chairman Davis.

Commissioner Meek asked Major Eddy if the number listed for new hires on the Human Resource report were all civilian. Major Eddy advised that all new hires would be into civilian positions. Commissioner Meek also asked if we were gradually increasing civilian positions in the Crimes Against Children Division. Major Eddy deferred that question to Ms. Pam Utley who advised that the Crimes Against Children Division was all civilian employees.

Commissioner Meek then asked Major Eddy about a civilian position in the Criminal Investigation Division, Administration. Major Eddy explained the position was a newly created civilian position. This position, along with three other positions, are specialized positions with certain law enforcement authority, but are not commissioned by Arkansas State Police as Troopers.

Chairman Davis questioned how we could afford to hire civilian employees and not have money to hire or promote commissioned employees. Colonel Melton explained that by civilianizing the department, we are able to save money and this savings in turn allows us to be able to hire troopers. Civilian employees are not entitled to commissioned insurance or retirement, which also helps save money.

NEW BUSINESS:

Chairman Davis requested that Colonel Melton give a report on the Consent Decree. Colonel Melton advised that the status has not really changed since the last report. The Department of Justice has filed a motion with the U.S. District Court of Eastern Arkansas that the Consent Decree be set aside. Other motions have been filed asking the Court to have a hearing on this matter. Colonel Melton stated with the changes that we have implemented, he is optimistic that we will prevail.

Commissioner Futrell moved that the handout from Major Eddy on the breakdown of Commissioned Personnel be attached to the January 21, 2004 meeting minutes. Commissioner Meek seconded and the motion carried.

Chairman Davis advised that he attended the ASP Retirement Board meeting and he inquired about the Commission's role with respect to this program. Chairman Davis

suggested that the Vice-Chairman also attend these meetings to get familiar with what will be expected of them once they are voted Chairman. After further discussion, Chairman Davis requested that Ms. Alice Lightle research and report back to the Commission at the next meeting, the roles and responsibilities that the ASP Chairman and Commissioners have concerning the ASP Retirement Board.

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It was reported that the ASP Foundation Board elected two new board members and re-appointed two board members at last months meeting. The new members were Bob Raff and Benson Cashion. Frank Guinn and Dick Cisne were re-appointed. All of their terms will expire in 2006. Chairman Davis moved that the new and re-appointed members be approved. Commissioner Futrell seconded and the motion carried.

There being no further business to come before this meeting, the meeting was adjourned at 3:18 p.m.

Commission Chairman

Commission Secretary